

CONCORD CITY COUNCIL  
WORK SESSION  
MARCH 8, 2022

The City Council for the City of Concord, North Carolina, held the scheduled City Council Work Session in the 3<sup>rd</sup> floor City Hall Council Chambers located at 35 Cabarrus Ave, W, on March 8, 2022, at 4:00 p.m. with Mayor William C. Dusch presiding.

Council members were present as follows:

**Members Present:**

Mayor Pro-Tem Terry L. Crawford  
Council Member Andy Langford  
Council Member W. Brian King  
Council Member Betty M. Stocks  
Council Member JC McKenzie  
Council Member Jennifer Parsley-Hubbard  
Council Member John A. Sweat, Jr.

**Others Present:**

City Manager, Lloyd Wm. Payne, Jr.  
City Attorney, Valerie Kolczynski  
City Clerk, Kim J. Deason  
Department Directors

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The following agenda was presented for discussion:

**Presentations:**

**Presentation to former City Council Member and Water Sewer Authority of Cabarrus County (WSACC) Board Member, Dave Phillips.**

**Presentation of a retirement plaque to Tom Bach for over 7 years of service to the City of Concord Water Resources Department.**

**Presentation of Proclamation recognizing Women's History Month.**

**Public Hearings:**

**Conduct a public hearing and consider adopting an ordinance annexing +/- 2.553 acres of property located at 7995 Old Holland Rd, owned by William and Mary Caudle.**

The Planning and Neighborhood Development Services Planning Manager, Starla Rogers, explained the location of the site and also the adjacent zoning classifications. She stated, if approved, the petitioner intends to apply for the Residential Compact Conditional District (RC-CD) zoning classification in order to construct a multi-family development that would split the County line with 18 units proposed in Concord.

**Presentations of Petitions and Requests:**

**Consider adopting a resolution authorizing the City Manager to enter into a lease agreement with Zato LLC for real property located at 30 Church St, S, and the adjacent plaza, for a ten-year term with an option to renew for one five-year term.**

The Planning and Neighborhood Development Services Economic Development Coordinator, Joseph Beasley, stated Zato, LLC is a NC based limited liability corporation that holds the franchise for Benny's Pizza. Zato, LLC is proposing to invest \$300,000 in real and personal property. In return, the City of Concord has agreed to replace the roof

on the existing structure.

He stated that Zato, LLC would pay an annual lease rate of \$6,396 for years 1-5 and \$8,000 for years 6-10, with an option to renew for one (1) five-year term at rates set forth in the lease agreement.

**Consider adopting a resolution authorizing an eminent domain action for a portion of the property located at the corner of 285 Academy Avenue, NW and Duval Street, NW and being described as 0.021 acres.**

The City Attorney stated due to various issues with the title to the property, clear title cannot be conveyed by any entity. Therefore, eminent domain action is requested for the purpose of making the full lot available for affordable housing.

**Consider authorizing the Concord ABC Board to retain previously approved excess funds.**

ABC Board Chair, Scott Padgett; Board Members, Brian Hiatt and Alan Benson; and General Manager, Lorraine Trexler were in attendance to explain the request and to answer any questions the Council may have had.

**Consider authorizing the City Manager to negotiate and execute a contract with Kongsberg Defence & Aerospace for a ground lease to install a remote tower.**

The Aviation Director, Dirk Vanderleest, stated this will be a demonstration project to obtain FAA certification to provide Air Traffic Control (ATC) services at airports from a remote control room with video-sensor type surveillance equipment instead of the "out of the window" views from a traditional ATC tower.

**Consider adopting a resolution to amend and restate the Articles of Incorporation for the Concord Family Enrichment Association (CFEA).**

The City Attorney stated the CFEA members voted to amend the Articles of Incorporation (AOI) to official change the name of the corporation from CFEA to WeBuild Concord and to amend the corporation's registered agent and address.

**Consider approving an application for the Construction Training Partnership (CTP) to receive \$65,000 in funding from the North Carolina Housing Finance Agency.**

The Housing Director, Angela Graham, stated the CTP is a joint effort between the North Carolina Housing Finance Agency (NCHFA) and the North Carolina Home Builders Association (NCHBA) to train disadvantaged residents of limited financial means for jobs within the construction industry while assisting the community with affordable housing efforts. She explained the program and stated a \$65,000 match is required from the City of Concord. These funds are used to purchase materials, pay the instructor, secure a site, and other class related expenses.

The City Manager stated the match funds would be taken from the affordable housing fund.

The Assistant City Manager, Josh Smith, stated the City has to apply to be included in the program. He stated another city/town had to drop from the program, thus creating a vacancy.

Council Member Stocks asked if participates would receive a certificate upon completion of the program. The Assistant City Manager stated participates would receive a certificate.

**Consider authorizing the City Manager to negotiate a contract in the amount of \$745,000 with Office Environments for purchase of furniture, fixtures and equipment related to the new Electric Operations Center.**

The Electric Systems Director, Alex Burris, stated Electric staff selected Office

Environments for all the needed furniture, fixtures and equipment (FFE) for the new Electric Systems Operations Center. The overall cost amount of \$745,000 will include design, materials, installation and construction management. He further stated all items will be purchase via the pre-bid NC Department of Administration 420A contract, which Concord is a member.

Council Member McKenzie asked if the amount is over or under budget. The Electric Systems Director stated the amount is under budget.

**Consider authorizing the City Manager to negotiate a contract with Visual Sound Inc. for \$320,468.14 for the Electric Systems Operations Center grid control video system and five-year warranty/service package.**

The Electric Systems Director stated the new Electric Systems Operations Center will utilize a state-of-the-art Control Center for grid monitoring and control. Three formal bids were received. The lowest responsible and responsive bidder was Visual Sound, Inc. Total cost of the system including a five-year extended warranty/service package is \$320,468.14.

The City Manager stated the funding will come from the Operations budget.

**Consider adopting an ordinance amending the City of Concord Code of Ordinances, Chapter 34, Fire Prevention and Protection.**

Fire Prevention Division Chief, Adam Ryerson, stated the proposed amendment would address inconsistencies in the establishment of the Fire Marshal's Office and appointment of the Fire Marshal, requirements for lock boxes placed on commercial properties along with updating which version of the North Carolina Fire Code is currently adopted.

**Consider authorizing the City Manager to negotiate and execute a contract with Alfred Benesch & Company for full design services for Phases 1 and 2 of Caldwell Park in the amount of \$521,535.**

The Parks and Recreation Planner, Jason Pauling, stated Parks and Recreation staff has selected the firm, Alfred Benesch & Company for professional design services for the park. The design phase will include 1) Project Meetings, 2) Sub-Surface Investigations, Soil Borings, Groundwater and Laboratory Services Investigations, 3) Wetland Delineations, and USACE/NCDWR Verifications, 4) Design Development Plans, 5) Construction Plans and Documents, 6) Architectural Design Plans, 7) Site Electrical & Utility Design Services, 8) Permitting Assistance, 9) Construction Administration/Observation (if applicable), and 10) Reimbursable Expenses.

**Consider adopting a reimbursement resolution for expenditures associated with a planned parks improvements general obligation bond.**

The Finance Director, Jessica Jones, stated staff has determined that it is in the best interest of the City to acquire, construct and equip certain improvements to its parks. It is anticipated that the projects will be funded by a general obligation bond during fiscal year 2023 or later. Until the bond is issued, there will be expenditures that are associated with the project that the City will need to be reimbursed for. Once the bonds are issued, the proceeds from that issue will be used to pay the City back for any expenditures that occur before the bonds are issued.

**Consider adopting a reimbursement resolution for expenditures associated with a planned 2022 utility improvements revenue bond.**

The Finance Director stated staff has determined that it is in the best interest of the City to acquire, construct, and equip certain improvements to its water system. It is anticipated that the projects will be funded by a revenue bond in fiscal year 2023. Until the bond is issued, there will be expenditures that are associated with the project that the City will need to be reimbursed for. Once the bonds are issued, the proceeds from that issue will be used to pay the City back for any expenditures that occur before the bonds are issued.

**Consider authorizing the approval and execution of the Wastewater Service Agreement between WSACC and its members.**

The Water Resources Director, Jeff Corley, stated this agreement is needed so members contractually agree to pay their monthly charges in order to facilitate debt issuance.

**Consider amending the Sewer Allocation Policy.**

The Engineering Director, Sue Hyde, stated the amendments proposed are based on Council discussions and include: allotments within the residential category for single family, townhomes, and apartments; dropping the one year timeframe to receive final sewer allocation for public projects; and clarifying that speculative industrial buildings will not be considered for preliminary flow allocation until a use is determined but may be built at developer's risk.

Council Member King asked about including the prorated clause for public projects. The Engineering Director stated it was not included in the policy. Council Member King stated, in his opinion, it should be included in the policy.

The Engineering Director stated she would add that to the policy prior to the March 10<sup>th</sup> Council meeting.

**Consider a Preliminary Application from Dustin Hare.**

The Engineering Director stated staff's recommendation is to have the owner proceed to the final application phase including annexation. She stated annexation is recommended due to the location of the property.

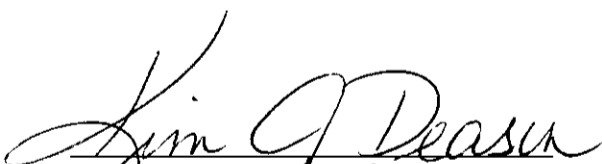
**Consider making appointments to various Boards/Commission.**

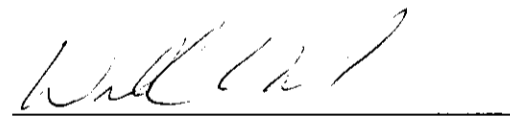
**Consent Agenda:**

There were no comments regarding the Consent Agenda.

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There being no further business to be discussed, a motion was made by Council Member Stocks and seconded by Council Member King to adjourn—the vote: all aye.

  
Kim J. Deason, City Clerk

  
William C. Dusch, Mayor